

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: September 23, 2003
	)	
Wylie H. Whisonant, Jr.	)	DOCKET NO.: 03F-100
Executive Director (Former)	)	
Office of Management and Administration	)	
Office of the Chief Financial Officer	)	
3163 Hawthorne Drive, NE	)	
Washington, DC 20017	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Wylie H. Whisonant, Jr., Executive Director, Office of Management and Administration, Office of the Chief Financial Officer, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003, OCF ordered Wylie H. Whisonant, Jr. (hereinafter respondent), to appear at a scheduled hearing on August 20, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 18, 2003, OCF received an affidavit from respondent stating he was not informed of the requirement to file an FDS after his employment ended in 2002. Respondent filed the required FDS on August 18, 2003.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed a Financial Disclosure Statement for calendar year 2001 on May 13, 2002.
2. Respondent's employment with the District Government terminated in 2002.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent filed the required Financial Disclosure Statement on August 18, 2003.
5. Respondent asserted that he was not informed of the requirement to file a final FDS with OCF after his employment terminated.
6. Respondent has no history of prior filing delinquencies.
7. Respondent provided a credible explanation for the filing delinquency in that he did not believe he was required to file a final FDS upon separation from government service, and that his failure to file was inadvertent.
8. OCF provided notice to file if the filer ceases to serve prior to May 15<sup>th</sup> of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
9. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

\_\_\_\_\_  
**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.